IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION
U.S. Patent and Trademark Office
2011 South Clark Place
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Arlington, VA 22202

TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventor(s):   Uwe SCHERF

For: NUCLEIC ACID DETECTION ASSAY CONTROL GENES

1.   This is a new [X] **Utility**   [ ] **Design**   [ ] **Plant** patent application.

2.   The papers enclosed to obtain a filing date are as follows:
       42 Pages of Specification including
              06   Pages of Claims
              01   Page(s) of Abstract

3.   Combined Declaration and Power of Attorney
       [●]   Enclosed and is executed by all inventors.
       [ ]   Not Enclosed.
              This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
              Applicant(s) await notification from the Patent and Trademark Office of the
              time set for filing the Declaration and paying the filing fees.

4.   Language
[ ]   English
[ ]   Non-English
        This application is being filed in accordance with 37 C.F.R. § 1.52(d) and §
        608.01 of the MPEP. Applicant(s) await notification from the Patent and
        Trademark Office of the time set for filing the verified English translation and
        the processing fee.

5.   Assignment

[●]   An assignment of the invention to Gene Logic, Inc. and a PTO Form-1595,
        Recordation Form Cover Sheet, are enclosed.

[ ]   An assignment will be filed at a later date.

6.   Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT
       international applications under 35 U.S.C. § 365(a) designating at least one country
       other than the U.S.

[ ] Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy(ies): [ ] is/are attached. [ ] will follow.

7.   Priority based on provisional application(s) - 35 U.S.C. § 119(e)

[●] Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/399,158	July 30, 2002

A. Relate Back - 35 U.S.C. § 119(e)

[ ] Amend the specification by inserting before the first line the sentence: "This application claims priority of copending provisional application(s) No. _____ filed on _____."

8. Small entity status

[ ] Applicants qualify as a small business concern as defined in 37 CFR 1.27 (a)(1) through (a)(3), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

9. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility $750.00 Design $330.00
Total Claims (37 C.F.R. § 1.16(c))	55 – 20 =	35	$ 18.00 each=	+ $630.00
Independent Claims (37 C.F.R. § 1.16(b))	5 - 3 =	2	$ 84.00 each=	+ 168.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			$270.00	+
SUB-TOTAL =				$1,548.00
Reduction by 1/2 for filing by a small entity				- $.00
TOTAL FILING FEE =				$1,548.00

10. Fee Payment

[●] Enclosed.
The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **$1,548.00** for : $750.00 Application Filing Fee
$630.00 Excess Total Claim Fee
$168.00 Excess Independent Claim Fee

11.   [ ]   **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).
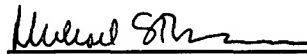
12.   Additional papers enclosed:

   [ ]   Preliminary Amendment
   [ ]   Information Disclosure Statement
   [ ]   Form PTO-1449, _____ references included
   [ ]   Declaration of Biological Deposit
   [ ]   Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Michael S. Tuscan
Reg. No. 43,210

Dated: **July 30, 2003**

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue
Washington, D.C. 20004
(202) 739-3000

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